

Senate Bill 364

By: Senator Bulloch of the 11th

AS PASSED

AN ACT

To extensively remove ratites from livestock and meat classifications and reclassify ratites as poultry for certain purposes; to amend Title 1 of the Official Code of Georgia Annotated, relating to general provisions, so as to change certain provisions relating to definitions; to amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to change certain provisions relating to mark, brand, or tattoo registration certificates; to change certain provisions relating to definitions relative to livestock running at large or straying; to change certain provisions relating to a definition of livestock relative to control of infectious or contagious diseases in livestock generally; to change certain provisions relating to definitions relative to live poultry dealers, brokers, and market operators; to change certain provisions relating to definitions relative to livestock dealers; to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to change certain provisions relating to livestock theft; to amend Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics, so as to change certain provisions relating to definitions relative to meat inspection generally; to change certain provisions relating to detention of carcasses, meat, and meat food products suspected of being adulterated or misbranded and removal of official marks; to change certain provisions relating to seizure and condemnation of carcasses, meat, and meat food products, release bond, and costs; to change certain provisions relating to duties of meat inspectors; to change certain provisions relating to examinations and inspections of ratite or nontraditional livestock carcasses, meats, and meat food products; to change certain provisions relating to inspection of animals prior to slaughter or preparation, examination and slaughtering of diseased animals, examination and inspection of method, and right of Commissioner to deny or suspend inspections; to change certain provisions relating to post-mortem inspection and marking of carcasses and parts, disposition of condemned carcasses and parts, reinspection, and removal of inspectors; to change certain provisions relating to inspection of carcasses, parts, meat, and meat products brought into or returned to slaughtering or packing establishments; to change certain provisions relating to limitations on entry of carcasses, parts, meat, and meat products; to change certain provisions relating to sanitary inspections of slaughter and packing

establishments, sanitation regulations, and labeling adulterated meat and meat food products; to change certain provisions relating to inspection of animals and food products thereof slaughtered and prepared at nighttime; to change certain provisions relating to slaughter, preparation, sale, or transportation of animals, meat, or meat food products generally; to change certain provisions relating to approved methods for handling and slaughtering of animals and designation by Commissioner of methods of handling and slaughtering; to change certain provisions relating to inspection exceptions and labeling and handling of custom slaughtered and prepared meat or meat food products; to change certain provisions relating to storage and handling regulations for carcasses, meat, and meat food products; to change certain provisions relating to buying, selling, transporting, or receiving of dead, dying, disabled, or diseased animals; to change certain provisions relating to registration of dealers in dead, dying, diseased, or disabled animals; to change certain provisions relating to maintenance and inspection of records; to change certain provisions relating to unlawful acts relative to milk and milk products; to change certain provisions relating to definitions relative to sale of meat, poultry, or seafood from mobile vehicles; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 1 of the Official Code of Georgia Annotated, relating to general provisions, is amended by revising paragraphs (4.1) and (16.1) of Code Section 1-3-3, relating to definitions, as follows:

"(4.1) 'Agriculture,' 'agricultural operations,' or 'agricultural or farm products' means raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products. If the term 'agriculture,' 'agricultural operations,' or 'agricultural or farm products' is defined in Title 2, Title 4, Title 10, or Title 11 or in any chapter, article, part, subpart, or Code section of such titles, such specific definition shall control for such purposes over the definition contained in this paragraph. Agricultural or farm products are considered grown in this state if such

products are grown, produced, or processed in this state, whether or not such products are composed of constituent products grown or produced outside this state."

"(16.1) 'Ratites' mean any members of the ratite family, including but not limited to ostriches, emus, and rheas, which are not indigenous to this state and which are raised for the purpose of producing meat, fiber, or animal by-products or as breeding stock. For the purposes of the laws of this state, ratites shall be treated as poultry and the term poultry as used in this Code or any law of this state shall include ratites unless such ratites are specifically excluded from the operation of any such law or unless such law or the operation thereof is restricted to a certain type of poultry."

SECTION 2.

Title 4 of the Official Code of Georgia Annotated, relating to animals, is amended by revising subsection (a) of Code Section 4-2-1, relating to mark, brand, or tattoo registration certificates, as follows:

"(a) Any person owning any livestock and desiring to register a mark, brand, or tattoo shall apply to the Commissioner for a certificate of mark, brand, or tattoo registration. Application for a certificate shall be made on forms provided by the department. Applications shall contain or be accompanied by such information as may be required by rule or regulation. In issuing certificates, the Commissioner shall not issue certificates to more than one person for the same or substantially identical marks, brands, or tattoos. There shall be no charge or fee for registration."

SECTION 3.

Said title is further amended by revising paragraph (1) of Code Section 4-3-2, relating to definitions relative to livestock running at large or straying, as follows:

"(1) 'Livestock' means all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, and other grazing animals."

SECTION 4.

Said title is further amended by revising paragraph (1) of Code Section 4-4-1.1, relating to a definition of livestock relative to control of infectious or contagious diseases in livestock generally, as follows:

"(1) 'Livestock' means cattle, swine, equines, poultry, sheep, goats, nontraditional livestock, and ruminants."

SECTION 5.

Said title is further amended by revising paragraph (3) of Code Section 4-4-80, relating to definitions relative to live poultry dealers, brokers, and market operators, as follows:

"(3) 'Poultry' means domestic fowl including, but not limited to, water fowl such as geese and ducks; birds which are bred for meat and egg production, exhibition, or competition; game birds such as pheasants, partridge, quail, and grouse, as well as guinea fowl, pigeons, doves, peafowl; ratites; and all other avian species."

SECTION 6.

Said title is further amended by revising paragraph (4) of Code Section 4-6-1, relating to definitions relative to livestock dealers, as follows:

"(4) 'Livestock' means cattle, swine, equines, sheep, and goats of all kinds and species."

SECTION 7.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising subsection (b) of Code Section 16-8-20, relating to livestock theft, as follows:

"(b) For the purposes of this Code section, the term 'livestock' means horses, cattle, swine, sheep, goats, rabbits, and any domestic animal produced as food for human consumption."

SECTION 8.

Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics, is amended by revising paragraphs (2), (11), (12), and (20) of Code Section 26-2-62, relating to definitions relative to meat inspection generally, as follows:

"(2) 'Animal food manufacturer' means any person, firm, or corporation engaged in the business of manufacturing or processing food for animals, such food being derived wholly or in part from carcasses or parts or products of the carcasses of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines."

"(11) 'Meat broker' means any person, firm, or corporation engaged in the business of buying or selling, on commission, carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, or otherwise negotiating purchases or sales of such articles other than for his or her own account or as an employee of another person, firm, or corporation.

(12) 'Meat food product' means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine,

nontraditional livestock, rabbits, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or which historically have not been considered by consumers as products of the meat food industry and which are exempted from definition as a meat food product by the Commissioner under such conditions as the Commissioner may prescribe by regulation to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, nontraditional livestock, rabbits, and goats."

"(20) 'Renderer' means any person, firm, or corporation engaged in the business of rendering carcasses or parts or products of the carcasses of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, except rendering conducted under inspection under Code Sections 26-2-100 through 26-2-115."

SECTION 9.

Said title is further amended by revising Code Section 26-2-84, relating to detention of carcasses, meat, and meat food products suspected of being adulterated or misbranded and removal of official marks, as follows:

"26-2-84.

Whenever any carcass, part of a carcass, meat, or meat food product of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, or any product exempted from the definition of a meat food product, or any dead, dying, disabled, or diseased cattle, sheep, swine, nontraditional livestock, rabbit, goat, or equine is found by any authorized representative of the Commissioner upon any premises where it is held for purposes of, or during or after, distribution and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of Part 3 of this article or Title I of the Federal Meat Inspection Act or the Federal Food, Drug, and Cosmetic Act, or that such article or animal has been or is intended to be distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed 20 days, pending action under Code Section 26-2-86 or notification of any federal authorities having jurisdiction over such article or animal; and it shall not be moved by any person, firm, or corporation from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or animal

before it is released unless it appears to the satisfaction of the Commissioner that the article or animal is eligible to retain such marks."

SECTION 10.

Said title is further amended by revising subsection (a) of Code Section 26-2-85, relating to seizure and condemnation of carcasses, meat, and meat food products, release bond, and costs, as follows:

"(a) Any carcass, part of a carcass, meat, or meat food product of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, or any dead, dying, disabled, or diseased cattle, sheep, swine, nontraditional livestock, rabbit, goat, or equine, that is being transported or is held for sale in this state after such transportation, and that is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this article, is capable of use as human food and is adulterated or misbranded, or in any other way is in violation of this article, shall be liable to be proceeded against and seized and condemned, at any time, on an action for condemnation to be brought by the Commissioner in the superior court of the county in which the article or animal is found."

SECTION 11.

Said title is further amended by revising Code Section 26-2-100, relating to duties of meat inspectors, as follows:

"26-2-100.

The Commissioner shall appoint, from time to time, inspectors to make examination and inspection of all cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines, the inspection of which is provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products are prepared. Said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment described in this chapter until the same shall have actually been inspected and found to be not adulterated. Said inspectors shall perform such other duties as are provided by this article and by the rules and regulations to be promulgated by the Commissioner."

SECTION 12.

Said title is further amended by revising Code Section 26-2-100.1, relating to examinations and inspections of ratite or nontraditional livestock carcasses, meats, and meat food products, as follows:

"26-2-100.1.

All examinations and inspections of nontraditional livestock carcasses and parts thereof, of nontraditional livestock meats and meat food products thereof, of sanitary conditions of all establishments in which nontraditional livestock meat and meat food products are prepared, and any other examination or inspection of nontraditional livestock and products thereof under or pursuant to this article shall be conducted by and through a voluntary inspection program with all costs thereof paid by the establishment slaughtering the nontraditional livestock or preparing such meat or meat food product, at rates established by the Commissioner."

SECTION 13.

Said title is further amended by revising Code Section 26-2-102, relating to inspection of animals prior to slaughter or preparation, examination and slaughtering of diseased animals, examination and inspection of method, and right of Commissioner to deny or suspend inspections, as follows:

"26-2-102.

(a) For the purpose of preventing the use in commerce of meat food products which are adulterated, the Commissioner shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in this state in which slaughtering and preparation of meat and meat food products of such animals are conducted for commerce.

(b) All cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines; and, when so slaughtered, the carcasses of said cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines shall be subject to a careful examination and inspection, all as provided by the rules and regulations promulgated by the Commissioner.

(c) For the purpose of preventing the inhumane slaughtering of livestock, the Commissioner shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the method by which cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this article. The Commissioner may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be suspended temporarily at a slaughtering establishment if the Commissioner finds that any cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with paragraph (2) of Code Section 26-2-110 and Code Section 26-2-110.1 until the establishment furnishes assurances satisfactory to the Commissioner that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method."

SECTION 14.

Said title is further amended by revising subsection (a) of Code Section 26-2-103, relating to post-mortem inspection and marking of carcasses and parts, disposition of condemned carcasses and parts, reinspection, and removal of inspectors, as follows:

"(a) The Commissioner shall cause to be made, by inspectors appointed for that purpose, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines, capable of use as human food, to be prepared at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in this state in which such articles are prepared for commerce."

SECTION 15.

Said title is further amended by revising subsection (a) of Code Section 26-2-104, relating to inspection of carcasses, parts, meat, and meat products brought into or returned to slaughtering or packing establishments; limitations on entry of carcasses, parts, meat, and meat products, as follows:

"(a) Code Sections 26-2-102 and 26-2-103 shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines, or the meat or meat products thereof, capable of use as human food, which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment where inspection under this part is maintained; and such examination and

inspection shall be had before the carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products."

SECTION 16.

Said title is further amended by revising Code Section 26-2-108, relating to sanitary inspections of slaughter and packing establishments, sanitation regulations, and labeling adulterated meat and meat food products, as follows:

"26-2-108.

The Commissioner shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection as may be necessary to inform himself or herself about the sanitary conditions of all slaughtering, meat-canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines are slaughtered and the meat and meat food products thereof are prepared for commerce. The Commissioner shall prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and, where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered adulterated, the Commissioner shall refuse to allow the meat or meat food products to be labeled, marked, stamped, or tagged as 'Inspected and Passed.'"

SECTION 17.

Said title is further amended by revising Code Section 26-2-109, relating to inspection of animals and food products thereof slaughtered and prepared at nighttime, as follows:

"26-2-109.

The Commissioner shall cause an examination and inspection of all cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines, and the food products thereof, slaughtered and prepared in the establishments described in this part. Such inspection shall be made during the nighttime as well as during the daytime, when the slaughtering of said cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, and other equines or the preparation of said food products is conducted during the nighttime."

SECTION 18.

Said title is further amended by revising Code Section 26-2-110, relating to slaughter, preparation, sale, or transportation of animals, meat, or meat food products generally, as follows:

"26-2-110.

No person, firm, or corporation shall, with respect to any cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat, or meat food products of any such animals:

- (1) Slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishment preparing such articles for commerce except in compliance with this article;
- (2) Slaughter or handle in connection with such slaughter any such animals in any manner not declared to be humane under Code Section 26-2-110.1;
- (3) Sell, transport, offer for sale or transportation, or receive for transportation, in commerce:
 - (A) Any such articles which:
 - (i) Are capable of use as human food; and
 - (ii) Are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or
 - (B) Any articles required to be inspected under this part unless they have been so inspected and passed; or
- (4) With respect to any such articles which are capable of use as human food, do any act while they are being transported in commerce or held for sale after such transportation which is intended to cause or has the effect of causing such articles to be adulterated or misbranded."

SECTION 19.

Said title is further amended by revising paragraph (1) of subsection (a) of Code Section 26-2-110.1, relating to approved methods for handling and slaughtering of animals and designation by Commissioner of methods of handling and slaughtering, as follows:

- "(1) In the case of cattle, calves, horses, mules, sheep, swine, nontraditional livestock, rabbits, and other livestock, all animals are to be rendered insensible to pain by a single blow or gunshot or by an electrical, chemical, or other means which is rapid and effective before being shackled, hoisted, thrown, cast, or cut; or"

SECTION 20.

Said title is further amended by revising paragraph (2) of subsection (a) of Code Section 26-2-112, relating to inspection exceptions and labeling and handling of custom slaughtered and prepared meat or meat food products, as follows:

"(2) The custom slaughter by any person, firm, or corporation of cattle, sheep, swine, nontraditional livestock, rabbits, or goats delivered by the owner thereof for such slaughter and the preparation by such slaughterer and transportation in commerce of the carcasses, parts thereof, meat, and meat food products of such animals exclusively for use in the household of such owner by the owner and members of his or her household and his or her nonpaying guests and employees; nor to the custom preparation by any person, firm, or corporation of carcasses, parts thereof, meat, or meat food products derived from the slaughter by any person of cattle, sheep, swine, nontraditional livestock, rabbits, or goats of his or her own raising, or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared articles, exclusively for use in the household of such owner by him or her and members of his or her household and his or her nonpaying guests and employees, provided that, in cases where such person, firm, or corporation engages in such custom operations at an establishment at which inspection under this article is maintained, the Commissioner may exempt from such inspection at such establishment any animals slaughtered or any meat or meat food products otherwise prepared on such custom basis. Custom operations at any establishment shall be exempt from inspection requirements as provided by this Code section only if the establishment complies with regulations which the Commissioner is authorized to promulgate to assure that any carcasses, parts thereof, meat, or meat food products, wherever handled on a custom basis, or any containers or packages containing such articles are separated at all times from carcasses, parts thereof, meat, or meat food products prepared for sale; that all such articles prepared on a custom basis or any containers or packages containing such articles are plainly marked 'Not for Sale' immediately after being prepared and kept so identified until delivered to the owner; and that the establishment conducting the custom operation is maintained and operated in a sanitary manner; or"

SECTION 21.

Said title is further amended by revising Code Section 26-2-113, relating to storage and handling regulations for carcasses, meat, and meat food products, as follows:

"26-2-113.

The Commissioner may by regulations prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, capable of use as human food, shall be stored or otherwise handled by any person, firm, or corporation engaged in the business of

buying, selling, freezing, storing, or transporting such articles whenever the Commissioner deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer."

SECTION 22.

Said title is further amended by revising Code Section 26-2-130, relating to buying, selling, transporting, or receiving of dead, dying, disabled, or diseased animals, as follows:

"26-2-130.

No person, firm, or corporation engaged in the business of buying, selling, or transporting in commerce dead, dying, disabled, or diseased animals, or any parts of the carcasses of any such animals, shall buy, sell, transport, offer for sale or transportation, or receive for transportation any dead, dying, disabled, or diseased cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, or parts of the carcasses of any such animals, unless such transaction or transportation is made in accordance with such regulations as the Commissioner may promulgate, to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes."

SECTION 23.

Said title is further amended by revising Code Section 26-2-131, relating to registration of dealers in dead, dying, diseased, or disabled animals, as follows:

"26-2-131.

No person, firm, or corporation shall engage in business as a meat broker, renderer, or animal food manufacturer or engage in business as a wholesaler of any carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles, or engage in the business of buying, selling, or transporting in commerce any dead, dying, disabled, or diseased animals of the specified kinds, or parts of such carcasses of any such animals unless, when required by regulations of the Commissioner, he or she has registered with the Commissioner his or her name and the address of each place of business at which, and all trade names under which, he or she conducts such business."

SECTION 24.

Said title is further amended by revising paragraphs (1) and (3) of subsection (a) of Code Section 26-2-132, relating to maintenance and inspection of records, as follows:

"(1) Any persons, firms, or corporations that engage for commerce in the business of slaughtering any cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals for use as human food or animal food;"

"(3) Any persons, firms, or corporations that engage in business as renderers or engage in the business of buying, selling, or transporting any dead, dying, disabled, or diseased cattle, sheep, swine, nontraditional livestock, rabbits, goats, horses, mules, or other equines, or parts of such carcasses."

SECTION 25.

Said title is further amended by revising paragraph (2) of Code Section 26-2-249, relating to unlawful acts relative to milk and milk products, as follows:

"(2) To keep, store, or prepare for market any milk, cream, or other dairy products in the same building or enclosure where any hide or fur or any cow, horse, nontraditional livestock, hog, or other livestock is kept;"

SECTION 26.

Said title is further amended by revising paragraphs (1) and (3) of Code Section 26-2-410, relating to definitions relative to sale of meat, poultry, or seafood from mobile vehicles, as follows:

"(1) 'Meat' means the carcass or any part of any carcass of any animal or any by-product thereof in any form."

"(3) 'Poultry' means domestic fowl including, but not limited to, water fowl such as geese and ducks; birds which are bred for meat or egg production; game birds such as pheasants, partridge, quail, and grouse, as well as guinea fowl, pigeons, doves, and peafowl; ratites; and all other avian species."

SECTION 27.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 28.

All laws and parts of laws in conflict with this Act are repealed.